

which a body portion of the vehicle can be mounted. Initially, a first side rail is hydroformed so as to have an integrally formed mounting structure. A second side rail and a cross member are provided. The cross member is secured to the side rails to form the vehicle frame assembly. Lastly, a component of the vehicle is connected directly to the integrally formed mounting structure of the first side rail without the use of brackets or other mounts. Claim 11 defines the invention in a similar manner, except that both the first and second side rails are hydroformed so as to have integrally formed mounting structures.

In Paragraph 2 of the Office Action, the Examiner defines the status of the "is adapted to" language in inconsistent terms. The Examiner correctly stated that the "is adapted to" language "requires the ability to ... perform" in the manner recited. Thus, the "is adapted to" language does, in fact, provide a patentable limitation on the claimed invention. The Examiner's subsequent statement that such language "does not constitute a limitation in any patentable sense" is not correct.

The purpose of the earlier amendment to the preambles of Claims 1 and 11 was to unambiguously define the nature of the claimed vehicle frame assembly and to clearly distinguish the claimed vehicle frame assembly from the engine cradle structure disclosed in the Horton et al. reference. As described at length in the specification and now specifically recited in the claims, a vehicle frame assembly is a structure that is "adapted to be resiliently supported upon a plurality of vehicle wheels by a suspension system and is adapted to serve as a platform upon which a body portion of the vehicle can be mounted." An engine cradle, such as disclosed in the

which a body portion of the vehicle can be mounted. Thus, the Horton et al. reference clearly does not show or suggest the claimed invention.

Respectfully submitted,



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